

ORIGINAL

CDOT
File 8279-008
1R-3-1853

WARRANTY DEED

LARRY R. MITTNACHT, Grantor, for the true and actual consideration of \$ 4,500.00 does convey unto the **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION**, Grantee, fee title to the following described property:

PARCEL 1 - Fee

A parcel of land lying in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Larry R. Mittnacht, recorded in Book M-94, Page 7149 of Klamath County Record of Deeds; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Westerly side of the center line of the relocated Klamath Falls - Malin Highway which center line is described as follows:

Beginning at Engineer's center line Station 0+000, said station being 810.021 meters North and 0.274 meter East of the Southwest corner of Section 18, Township 39 South, Range 10 East, W.M.; thence South 0° 01' 10" West 810.021 meters to Engineer's center line Station 0+810.021.

The widths in meters of the strip of land above referred to are as follows:

Station	to	Station	Width on Westerly Side of Center Line
0+800		0+700	30 in a straight line to 20
0+700		0+800	20

Bearings are based on County Survey No. 2834, dated December 6, 1978, Klamath County, Oregon.

The parcel of land to which this description applies contains 1 735 square meters, more or less, outside of the existing right of way.

Grantor also grants to Grantee, its successors and assigns, a permanent easement for construction, reconstruction, and maintenance of irrigation facilities, and appurtenances, over, upon, and across the following described property:

11-8-96

AFTER RECORDING RETURN TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
417 TRANSPORTATION BLDG.
SALEM OR 97310

Account No.: R567577 R-3909-01300-01000-000

Property Address: 7333 Southside Expressway
Klamath Falls OR 97603

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1596

PARCEL 2 - Permanent Easement for Irrigation Facilities

A parcel of land lying in the SE¼SE¼ of Section 13, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to Larry R. Mitnacht, recorded in Book M-84, Page 7149 of Klamath County Record of Deeds; the said parcel being that portion of said property lying Northerly of a line at right angles to the center line of the relocated Klamath Falls - Malin Highway at Engineer's Station 0+660 and included in a strip of land 6.100 meters in width, lying Westerly of and adjoining the Westerly line of Parcel 1.

The parcel of land to which this description applies contains 75 square meters, more or less.

Grantee, by virtue of this easement, shall have the right to go upon the above-described Parcel 2 for the purpose of making those certain changes in the irrigation facilities now constructed or to be constructed on said property, or property adjoining thereto, it being understood that the rights of the owner of said relocated irrigation facilities shall be the same as previously existed in that portion of the irrigation facilities which is being relocated.

IT IS UNDERSTOOD that this easement does not convey any right or interest in the above-described Parcel 2 except as stated herein.

Grantor covenants to and with Grantee, its successors and assigns, that grantor is the owner of all the above-described property which is free from encumbrances, except for easements, conditions, and restrictions of record, and will warrant the property herein conveyed and the easement rights herein granted from all lawful claims whatsoever, except as stated herein.

Grantor agrees the consideration recited herein is just compensation for the property, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property and the construction or improvement of the public way.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

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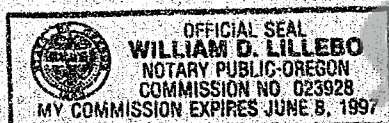
It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this 8 day of January, 1997

Larry Mitnacht
Larry Mitnacht

STATE OF OREGON, County of Klamath

JANUARY 8, 1997. Personally appeared the above named Larry Mitnacht, who acknowledged the foregoing instrument to be his voluntary act. Before me:



William D. Lillebo
Notary Public for Oregon

My Commission expires June 8, 1997

11-8-86
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STATE OF OREGON : COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 17th day
of January A.D., 19 97 at 3:30 o'clock P. M., and duly recorded in Vol. M97
of Deeds on Page 1595

FEE \$20.00

Bernetha G. Letsch, County Clerk

by Kathleen Rose